

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1465

IN THE MATTER OF:

Served October 28, 1975

Application of SUBURBAN TRANSIT)
COMPANY for Temporary Authority)
to Perform Special Operations)

Application No. 883

Application of SUBURBAN TRANSIT)
COMPANY for Certificate of Public)
Convenience and Necessity to Perform)
Special Operations)

Application No. 884

Docket No. 298

By Application Nos. 883 and 884, filed October 9, 1975, Suburban Transit Company (Suburban) seeks temporary authority pursuant to Title II, Article XII, Section 4(d)(3) of the Compact and a certificate of public convenience and necessity pursuant to Title II, Article XII, Section 4(b) of the Compact, to transport passengers, over irregular routes, in special operations, from specified areas within the Metropolitan District to the Capital Centre, Largo, Maryland, and return. Suburban proposes to originate the transportation service in Wheaton, Maryland, Reston-Tyson's Corner, Virginia, Gaithersburg-Rockville, Maryland, or Washington, D. C., at 16th and Kennedy Streets, N. W., and 4th and Michigan Avenue, N. E.

Suburban proposes per capita fares for round-trip service to the Capital Centre as follows: for service from Wheaton, Maryland, or Washington, D. C., the proposed fare is \$2.50; for service from Gaithersburg-Rockville, Maryland, the proposed fare is \$2.75; and for service from Reston-Tyson's Corner, Virginia, the proposed fare is \$3.00. Suburban also submitted a schedule indicating departure times. Assuming the event at the Capital Centre were scheduled for 8:00 P. M., the service from Wheaton, Maryland, or Washington, D. C., would depart one hour before the event; the service from Gaithersburg-Rockville, Maryland, would depart at 6:45 P. M. and 7:15 P. M., respectively; and the service from Reston-Tyson's Corner, Virginia, would depart Reston at 6:45 P. M., Tyson's Corner at 7:00 P. M., Braddock Road Shopping Center at 7:18 P. M., and Springfield, Virginia, at 7:30 P. M. The proposed service would be offered only on days of special events at the Capital Centre.

Suburban is a sole proprietorship and has no other authority from this Commission. Suburban would perform the special operations in motor coach equipment. This equipment includes a 39-passenger motor coach,

two 45-passenger motor coaches, a 49-passenger motor coach, and a 41-passenger motor coach as replacement equipment.

TEMPORARY AUTHORITY

Under Title II, Article XII, Section 4(d)(3) of the Compact, the Commission must base any decision to grant temporary authority to provide a specific service upon the findings that there is an immediate and urgent need to a point or points within a territory and that there is no carrier service capable of meeting such need. So finding, the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority.

Suburban's applications have been supported by the Capital Centre. That support is expressed in a letter, which indicates that the Capital Centre and Suburban have reached a tentative agreement enabling Suburban to conduct a shuttle-type operation to the Capital Centre from various points in Virginia, Maryland, and Washington, D. C. According to the Capital Centre, the proposed service would conserve energy, enable traffic to flow more easily to and from the Capital Centre, and introduce a much requested public service to the Capital Centre. There is no indication in the record that any other carrier currently provides such service.

Suburban shall be granted temporary authority pending a decision on the application for a certificate of public convenience and necessity. The Commission believes that there is an immediate and urgent need for the proposed service and that there is no existing carrier service capable of meeting this specific need. Of course, the grant of temporary authority creates no presumption that corresponding permanent authority will be granted.

PERMANENT AUTHORITY

Title II, Article XII, Section 4(b) of the Compact provides as follows:

When an application is made under this section for a certificate, . . . , the Commission shall issue a certificate to any qualified applicant therefore, . . . , if it finds, after hearing, held upon reasonable notice, that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Commission thereunder, and that such transportation is or will be required by the public convenience and necessity; otherwise such application shall be denied. (Emphasis added.)

Pursuant to this mandate, the Commission shall schedule a hearing to develop an appropriate record. Suburban shall be assessed an amount preliminarily estimated to be sufficient to cover the expenses which the Compact, Title II, Article XII, Section 19(a) requires the carrier to bear.

The reason for the hearing is to fully develop the basis for any finding as to Suburban's fitness to perform the proposed transportation service and the requirements of the public convenience and necessity for the proposed services. Suburban shall be required to submit and be prepared to support with a competent witness a statement projecting revenues and revenue deductions, including taxes for a one-year period. Suburban shall be directed to file six (6) copies of the statement and serve one copy on each party of record on or before December 2, 1975. Suburban shall be prepared to present evidence that it is fit, willing and able to perform the proposed service and to conform to the provisions of the Compact and the rules, regulations, and requirements of the Commission thereunder. Suburban also shall be prepared to present evidence that the public convenience and necessity require permanent authorization of the proposed service.

THEREFORE, IT IS ORDERED:

1. That Application No. 883 of Suburban Transit Company be, and it is hereby, granted.

2. That Suburban Transit Company be, and it is hereby, granted temporary authority to transport passengers, over irregular routes, in special operations, from Wheaton, Maryland, Reston-Tyson's Corner, Virginia, Gaithersburg-Rockville, Maryland, or Washington, D. C., at 16th and K Kennedy Streets, N. W., and 4th Street and Michigan Avenue, N. E., to the Capital Centre, Largo, Maryland, and return.

3. That Suburban Transit Company be, and it is hereby, required to file forthwith an appropriate tariff stating fares as proposed in Application No. 883, pursuant to the temporary authority granted herein to be effective October 29, 1975.

4. That unless otherwise provided by order of the Commission the temporary authority granted herein shall become effective October 29, 1975, and shall remain in effect through April 25, 1976.

5. That Application No. 884 of Suburban Transit Company be, and it is hereby, scheduled for public hearing to commence Tuesday, December 9, 1975, at 10:00 A. M. in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C. 20006.

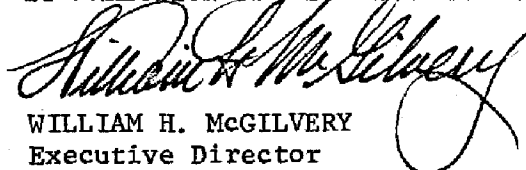
6. That Suburban Transit Company publish notice in the form prescribed by the staff of the Commission of such application and hearing in a newspaper of general circulation in the Metropolitan District and post notice in each of its vehicles, no later than Friday, November 14, 1975, and present at the hearing a certificate of publication from the selected newspaper and a certification of posting.

7. That six (6) copies, the original to be submitted at the hearing, of the statement required hereinbefore be filed by Suburban Transit Company with the Commission and one copy served on each party of record on or before Tuesday, December 2, 1975.

8. That any person desiring to protest shall file a protest in accordance with Commission Rule 14, or any person desiring to be heard on this matter shall notify the Commission, in writing, on or before Friday, November 28, 1975, and shall mail a copy of such protest or notice to Posie James Preston, 1778 Lang Place, N. E., Washington, D. C. 20002.

9. That Suburban Transit Company be, and it is hereby, assessed \$200 pursuant to the provisions of the Compact, Title II, Article XII, Section 19 and directed to deposit said amount in the name and to the credit of the Washington Metropolitan Area Transit Commission in the American Security and Trust Company, 1612 K Street, N. W., Washington, D. C., on or before Friday December 5, 1975.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVERY
Executive Director